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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,312	07/27/2000	Halmut W. Kucera	088312/0105	1108

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EXAMINER

JACKSON, MONIQUE R

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 06/18/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/627,312	<b>Applicant(s)</b> KUCERA, HALMUT W.	
	<b>Examiner</b> Monique R Jackson	<b>Art Unit</b> 1773	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 27-37 and 46-48 is/are rejected.
- 7) ☒ Claim(s) 14-26 and 38-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Upon reconsideration, the finality of prior office action dated 3/18/03 has been withdrawn. Any inconvenience to the Applicant is regretted.

***Terminal Disclaimer***

2. The terminal disclaimer filed on 4/7/03 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 6,383,307 has been reviewed and is accepted. The terminal disclaimer has been recorded.

3. The after-final response and Declaration pursuant to 37 CFR 1.132 filed 4/7/03 has been entered. The Declaration has overcome the rejections based on WO 99/37722 and WO 99/37713.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 8-9, 11, 13, 27-30, 32, 35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Faigen (USPN 3,912,548.) Faigen teaches a method for treating metal surfaces with an aqueous, corrosion resistant compositions comprising zirconium and a polymer wherein the aqueous composition can be applied to a metal surface having a conversion coating deposited thereon and the aqueous composition improves the qualities of the coating including

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reducing blistering (Abstract; Col. 1, lines 6-65; Col. 2, lines 4-67.) Faigen teaches that prior to treatment with the aqueous composition, the metal surface can be treated with a solution which reacts with the surface to form a conversion coating applied by known techniques wherein chromate or phosphate coatings may be utilized containing constituents such as acids, like phosphoric acid, chlorates, molybdates, fluorides, and various organic accelerators; wherein Faigen specifically teaches an aqueous conversion coating comprising phosphoric acid and a coating forming component coated to a metal surface, followed by application of the aqueous corrosion resistant composition comprising a zirconium compound (*a blister suppressing agent*) and a polymer (*an organic film forming protective component*) employing any of the contacting techniques known in the art (Col. 4, line 5-Col. 27; Col. 6, lines 52.) Faigen teaches that the polymer in the aqueous composition may be a polyacrylic acid, polyvinyl alcohol, hydroxyethyl ethers of cellulose, ethylene maleic anhydride, polyvinyl pyrrolidone, and polyvinyl methyl ether (Col. 2, lines 13-39.) Faigen further teaches that a lacquer coating may be applied over the zirconium/polymer corrosion resistant coating hence making the corrosion resistant coating a primer coating as in instant claim 32 (Col. 6, lines 39-41.)

***Claim Rejections - 35 USC § 103***

7. Claims 5-7, 10, 31 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faigen in view of Wimmer et al (USPN 6,235,836.) The teachings of Faigen are discussed above. Faigen teaches that the polymer in the aqueous composition may be any polymeric material that is stable in the presence of the zirconium compound in a waterbased composition but does not teach that the polymeric material is a phenolic compound. However, Wimmer teaches an aqueous coating composition for a metal surface wherein the coating composition

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comprises a zirconium compound with a water-soluble polymer such as a phenol resin. Hence, Wimmer teaches that a phenol resin is a polymeric material that may be utilized in an aqueous coating composition comprising a zirconium compound and therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize a phenol resin as the polymeric material in the invention taught by Faigen. Further, it would have been obvious to one having ordinary skill in the art to include conventional additives such as flexibilizers in either coating compositions taught by Faigen to adjust the flexibility of the coating layers based on the desired end use of the coating.

8. Claim 12 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faigen in view of Beiersdorf et al (USPN 6,440,231) or Roland et al (USPN 5,792,283.) The teachings of Faigen are discussed above. Faigen does not specifically teach that the accelerator is hydroxylamine however Beiersdorf et al or Roland et al teach that hydroxylamine is a conventional accelerator utilized in metal coating compositions and hence one having ordinary skill in the art at the time of the invention would have been motivated to utilize hydroxylamine as the accelerator in the invention taught by Faigen.

9. Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beiersdorf et al in view of Faigen. Beiersdorf et al teach a process for pretreatment of steel before bonding to rubber wherein the steel surface is subjected to a chemical pretreatment step, intermediate rinsing, and then adhering a rubber using a primer or coating to improve corrosion resistance and/or binder layer wherein the chemical pretreatment composition is an aqueous solution comprises an acid, a coating forming component and an accelerator; and wherein the coating may be applied by immersion or spraying (Abstract; Col. 2, lines 26-67; Col. 3, lines 43-57; Col.

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4, lines 7-26.) Beiersdorf does not teach that the primer or corrosion resistant coating comprises an aqueous composition comprising an admixture of a blister suppressing agent and an organic film forming protective component, however Faigen teaches a method for treating metal surfaces with an aqueous, corrosion resistant compositions comprising zirconium and a polymer wherein the aqueous composition can be applied to a metal surface having a conversion coating deposited thereon and the aqueous composition improves the qualities of the coating including reducing blistering; wherein prior to treatment with the aqueous composition, the metal surface is treated with a solution which reacts with the surface to form a conversion coating applied by known techniques wherein chromate or phosphate coatings may be utilized containing constituents such as acids, like phosphoric acid, chlorates, molybdates, fluorides, and various organic accelerators; wherein Faigen specifically teaches an aqueous conversion coating comprising phosphoric acid and a coating forming component coated to a metal surface, followed by application of the aqueous corrosion resistant composition comprising a zirconium compound (*a blister suppressing agent*) and a polymer (*an organic film forming protective component*) employing any of the contacting techniques known in the art (Abstract; Col. 1, lines 6-65; Col. 2, lines 4-67; Col. 4, line 5-Col. 27; Col. 6, lines 52.) Therefore, one having ordinary skill in the art at the time of the invention would have been motivated to utilize the corrosion resistance coating taught by Faigen in the invention taught by Beiersdorf to provide an improved coating qualities including corrosion resistance and reduced blistering. Further, though Beiersdorf in view of Faigen teach that the coating composition may be applied by known techniques in the art including immersion or spraying, Beiersdorf in view of Faigen do not teach that the coating is applied by

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electrodeposition however electrodeposition is an obvious coating technique utilized in the art and would have been obvious to one having ordinary skill in the art at the time of the invention.

***Allowable Subject Matter***

10. Claims 14-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Monique R. Jackson  
Patent Examiner  
Technology Center 1700  
June 15, 2003